



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Barbara A. Gilchrest, Mina Yaar and Mark Eller
Application No.: 09/632,748 Group Art Unit: 1647
Filed: August 4, 2000 Examiner: S. Gucker
For: Methods of Inducing Hair Growth and Coloration

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| CERTIFICATE OF MAILING | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202 | |
| on <u>8/26/02</u> | <u>K. Bastarache</u> |
| Date | Signature |
| Kathleen M. Bastarache | |
| Typed or printed name of person signing certificate | |

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

Responsive to the Restriction Requirement dated June 21, 2002, the claims of Group VII (Claims 10, 11 and 12), drawn to a method of maintaining or inducing hair color, are elected for prosecution. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicants do not hereby abandon or waive any rights in the non-elected inventions.

Responsive to the requirement for an election of species for searching purposes, Applicants hereby elect a peptide comprising KGA as the species. Claims of Group VII readable on the elected species are Claims 10, 11 and 12.

The requirement is being traversed for the reasons set forth in detail below.

The majority of the claims are drawn to methods of inhibiting the loss of keratinocytes or melanocytes by contacting these cells with a composition comprising neurotrophin or an analog sufficiently like neurotrophin such that it binds the p75 nerve growth factor, which Applicants found to be expressed on the surface of keratinocytes and melanocytes. The remainder of the claims are drawn to the compositions that can be used in the methods of inhibiting the loss of keratinocytes and melanocytes, the compositions comprising a substance that binds to the p75 nerve growth factor.

Applicants submit that the claims relating to maintaining hair growth, treating alopecia areata and treating male pattern baldness are all claims to methods of administering a composition to keratinocytes, such that a ligand of p75 nerve growth factor in the composition binds to p75 nerve growth factor on keratinocytes. Therefore a search for prior art relating to any of these claims would require a search that would cover the terms for all of these syndromes relating to hair loss, as well as terms for p75 nerve growth factor ligands. The same search would have to be done for the claims of each of Groups I, II, IV, V and X.

Applicants further observe that the claims relating to maintaining or inducing pigmentation in hair or in skin are all claims to methods of administering a composition to melanocytes, such that a ligand of p75 nerve growth factor in the composition binds to p75 nerve growth factor on melanocytes. A search of prior art relevant to any of these claims would require entering terms that would describe the loss of pigment in hair or in skin, as well as terms for nerve growth factor and other ligands of p75 nerve growth factor. The same search would have to be performed for the claims of each of Groups I, II, VI, VII, VIII and IX.

Applicants propose that the claims relating to a method in which keratinocytes are acted upon be combined into one group. Group I would include Claims 6-8 and 17-24.

Applicants further propose that the claims relating to melanocytes be combined into one group. Group II would include Claims 10-12 and 14-16.

Claims 1-4 would then be linking claims that link the inventions of Groups I and II.

Applicants also propose that the composition claims, Claims 5, 9, 13 and 25-32 be combined into Group III.

If this proposal is accepted, Applicants elect proposed Group II to be examined initially.

An extension of time to respond to the Restriction Requirement is respectfully requested.
A Petition for an Extension of Time and the appropriate fee are being filed concurrently.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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